

**Enrolled Minutes of the Fifty-Third Regular or Special Meeting
For the Twenty-Eighth Highland Town Council
Regular Meeting
Monday, January 08, 2018**

Study Session. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, January 08, 2018 at 6:35 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, Steve Wagner and Konnie Kuiper were present. The Deputy Clerk-Treasurer, Kathryn A. Minchuk was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council reviewed and discussed the agenda of the imminent regular meeting.
2. The Town Council discussed the legislative appointments and the readiness for acting on some of them during the meeting.

The study session ended at 6:45 O'clock p.m.

Regular meeting. The Twenty Eighth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, January 09, 2017 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Bernie Zemen presided. The Town Deputy Clerk-Treasurer, Kathryn A. Minchuk, was present to memorialize the proceedings. The meeting was opened with Councilor Steve Wagner reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, Steve Wagner and Konnie Kuiper. The Deputy Clerk-Treasurer, Kathryn A. Minchuk was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Esq., Town Attorney; John M. Bach, Public Works Director; Peter Hojnicky, Metropolitan Police Chief; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Superintendent of Parks and Recreation; Kathy DeGuilio-Fox, Redevelopment Director; and Kenneth J. Mika, Building Commissioner, were present.

Also present: Steve Jurczak and Terry Krooswyk of the Town Board of Metropolitan Police Commissioners; and Ed Dabrowski IT Director (Contract) were also present.

Minutes of the Previous Meetings: The minutes of the regular meeting of 27 December 2017 were approved by general consent.

Special Orders:

1. Election of the **Town Council President** for 2018 pursuant to § 2.05.040 of the Highland Municipal Code.

Councilor Wagner moved that Mark Herak be elected Town Council President. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Councilor **Mark Herak** was elected 67th

President of the Town Council. Councilor Vassar then passed the gavel to Councilor Herak and he assumed the chair.

2. Election of the **Town Council Vice President** for 2018, pursuant to § 2.05.040 of the Highland Municipal Code.

Councilor Wagner moved to elect Councilor Bernie Zemen as Vice President. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives, the motion passed. Councilor Bernie Zemen was elected Vice President.

3. Council President Herak reminded that there would be an executive session after the meeting at 8:15 p.m. for the purpose of discussing the purchase of property. Notice was issued previously pursuant to IC 5-14-1.6-6.1. He also announced that there would not be a Town Council study session Monday, January 15, 2018.

Staff Reports: The following staff reports were received and filed.

• **Building & Inspection Report for December 2016**

Permit Type	Number	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	3	0	3	\$13,400.00	\$830.50
Signs:	1	0	1	\$1,386.00	\$297.50
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	0	0	0	\$0.00	\$0.00
Residential Remodeling:	41	41	0	\$345,987.00	\$6,146.50
Garages:	0	0	0	\$0.00	\$0.00
Sheds:	1	1	0	\$2,068.00	\$107.00
Decks & Porches:	1	1	0	\$29,890.00	\$553.50
Fences:	1	1	0	\$2,202.00	\$107.00
Swimming Pools:	1	1	0	\$0.00	\$41.00
DrainTile/ Waterproofing:	1	1	0	\$11,500.00	\$219.50
Miscellaneous	4	3	1	\$8,847.00	\$548.50
TOTAL:	54	49	5	\$415,280.00	\$8,851.00
Electrical Permits	15	12	3		\$1,334.00
Mechanical Permits	14	12	2		\$1,275.00
Plumbing Permits	6	4	2		\$696.75
Water Meters	1	1	0		\$230.00
Water Taps	0	0	0		\$0.00
Sewer/Storm Taps	1	1	0		\$300.00
TOTAL Plumbing:	8	6	2		\$1,226.75

December Code Enforcement:

Investigations: 15
 Citations: 2

December Inspections:

Building: 17 Electrical: 20 Plumbing: 10 HVAC: 8
 Electrical Exams: 0

• **Fire Department Report for November 2017**

<u>Type of Call</u>	<u>Month</u>	<u>2nd half of year</u>
General Alarms	12	77
Paid Still Alarms	27	160
Still Alarms	2	19
Total Alarms:	41	256

• **Fire Department Report for December 2017**

<u>Type of Call</u>	<u>Month</u>	<u>2nd half of year</u>
General Alarms	10	87
Paid Still Alarms	29	189
Still Alarms	2	21
Total Alarms:	41	297

• **Workplace Safety Report for December 2017**

Department	Injuries this Month	Year to Date 2016	Total in 2015	Restricted Days 2016	Lost Workdays This Year (2016)	Restricted Days Last Year (2015)	Lost Workdays Last Year (2015)
Parks	0	1	1	12	0	0	0
Fire	1	1	0	0	0	0	0
Police	2	6	1	2	21	0	0
Street	0	1	2	0	0	0	0
Water & Sewer	0	6	4	14	0	5	0
Maint.	0	1	0	0	0	0	0
Other	0	0	1	0	0	0	0
TOTALS	3	16	9	28	21	5	0

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Appointments:

• **Statutory Boards and Commissions**

Legislative Appointments

1. **Park and Recreation Board (1)** appointment to be made by Town Council. (*Note: Currently serving Dirk A. "Abe" Rivera (R).*)

Councilor Vassar moved, seconded by Councilor Kuiper to reappoint **Dirk A. Rivera** to the Park and Recreation Board. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. **Dirk A. Rivera** was reappointed to an additional four-year term.

2. **Town Board of Metropolitan Police Commissioners (2)** appointments to be made by Town Council. (*Note: currently serving Steve Jurczak (D) and James Slagle (D)*).

Councilor Vassar moved seconded by Councilor Kuiper the reappointment of **Steve Jurczak and James Slagle** to the Town Board of Metropolitan Police Commissioners. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. **Steve Jurczak and James Slagle** were reappointed each to a three-year term.

Unfinished Business and General Orders:

1. **Proposed Ordinance No. 1664:** An Ordinance to Further Amend Chapter 2.50 of the Highland Municipal Code Regarding the Public Records Management, All Pursuant to I.C. 36-1-5 and I.C. 5-14-3 Et Seq.

Councilor Wagner introduced and moved the consideration of Ordinance No. 1664 at the same meeting of its introduction. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered by the Town Council at the same meeting of its introduction.

Councilor Wagner moved the passage and adoption of Ordinance No. 1664 at the same meeting of its introduction. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was passed and adopted at the same meeting of its introduction.

**ORDINANCE No. 1664
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE to Further AMEND CHAPTER 2.50 OF THE HIGHLAND MUNICIPAL CODE REGARDING THE PUBLIC RECORDS MANAGEMENT, ALL PURSUANT TO I.C. 36-1-5 AND I.C. 5-14-3 ET SEQ.

WHEREAS, Title 36, Article 1, Chapter 5 of the Indiana Code provides that the legislative body of a unit **shall** codify, revise, rearrange, or compile the ordinances of the unit into a complete, simplified code excluding formal parts of the ordinances;

WHEREAS, The legislative body of this unit, the Town of Highland, is the Town Council, pursuant to IC 36-1-2-9(5) and IC 36-5-2-2;

WHEREAS, IC 5-14-3 specifically provides the policy for records access for all public agencies in Indiana;

WHEREAS, The Town Council has previously adopted the provisions of IC 5-14-3, codified as Chapter 2.50 in the Highland Municipal Code;

WHEREAS, The Highland Town Council has determined that the amendment of the Highland Municipal Code regarding its provisions dealing with records management in order to clarify prior provisions and to update existing provisions consistent with current law to be an exercise of local authority consistent with the provisions of IC 5-14-3 and IC 36-1-3 and necessary or desirable in the conduct of its affairs;

WHEREAS, The Highland Town Council has further determined that a technical amendment of the Highland Municipal Code regarding its recently adopted changes to the Public Records Management Chapter would further perfect the municipal code by selectively adopting statutory text; and

WHEREAS, The present general and permanent ordinances of the Town of Highland, formally codified in 2012, are in need of technical and substantive modifications desirable to further improve and perfect the Code; and

WHEREAS, The Town Council, is persuaded that it is necessary and desirable to adopt a further technical and substantive modification to Chapter 2.50 in order to further improve and perfect the Code,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That Section 2.50.130 (B) of the Highland Municipal Code is hereby repealed in its entirety and amended by successor Section, which shall be identified as Section 2.50.130 (B) and read as follows:

2.50.130 Unauthorized fees prohibited.

(B) Fees established under this chapter must be uniform throughout the Town, its departments and offices and uniform to all purchasers. These fees are applicable to all departments and offices of the Town of Highland. It shall be unlawful for any officer or employee of any department or office of the Town to collect according to any schedule except that authorized in this code. Any and all fees schedules for services **collected or charged that are not** set forth in Section 2.50.100 are nugatory, null and void.

Section 2. That this ordinance shall be effective from December 27, 2017 and after its passage and adoption as evidenced by the signature of the Town Council President and attested thereto by the Clerk-Treasurer, all pursuant to IC 36-5-2-10 and IC 36-5-2-10.2.

Introduced and Filed on the 8th day of January 2018. Consideration on First Reading sustained a vote of 5 in favor and 0 opposed, pursuant to I.C. 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 8th day of January 2017, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**
President (IC 36-5-2-10)

Attest:

Kathryn A. Minchuk
Deputy Clerk-Treasurer (IC 1-1-4-1(5); IC 33-42-4-1; IC 36-5-6-5; IC 36-5-6-7(a))

- 2. Proposed Ordinance No. 1665:** An Ordinance to Amend Chapter 9, Section 9.70.020(B)(6) of the Highland Municipal Code Relative to Snow Blower Operation During Certain Hours, Repealing all Ordinances in Conflict Therewith, and Declaring an Emergency.

Councilor Zemen introduced and moved the consideration of Ordinance No. 1665 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered by the Town Council at the same meeting of its introduction.

Councilor Zemen moved the passage and adoption of Ordinance No. 1664 at the same meeting of its introduction. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was passed and adopted at the same meeting of its introduction.

**ORDINANCE NO. 1665
OF THE
TOWN OF HIGHLAND, INDIANA**

An Ordinance to Amend Chapter 9, Section 9.70.020(B)(6) of the Highland Municipal Code Relative to Snowblower Operation During Certain Hours, Repealing all Ordinances in Conflict Therewith, and Declaring an Emergency.

WHEREAS, the Town Council of the Town of Highland, Lake County, Indiana, is desirous of amending Chapter 9, Section 9.70.020(B)(6) of the Highland Municipal Code relative to restrictions on snowblower operation; and

WHEREAS, the Town Council of the Town of Highland, believes that there should be restrictions not only snowblower operation but also snowplowing operation in residential districts; and,

WHEREAS, the Town Council of the Town of Highland believes that it is in the best interest of the Town of Highland that such an ordinance be amended.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. Section 9.70.020(B)(6) of Chapter 9 of the Highland Municipal Code is deleted in its entirety and replaced with the following:

Section 9.70.020(B)(6). Snowblower and/or Snowplowing. Operating or permitting the operation of a snowblower and/or the operation of a snowplow between the hours of 12:00 midnight and 6:00 a.m. in a residential district is hereby prohibited.

Section 2. All provisions of ordinances in conflict with the provisions hereof are hereby repealed.

Section 3. That this ordinance shall become and be effective after its passage, approval and publication in the manner prescribed by law.

INTRODUCED AND FILED on the 8th day of January, 2018. Consideration on the first reading sustained by a vote of 5 in favor and 0 opposed, pursuant to I.C. 36-5-2-9.8.

DULY ORDAINED AND ADOPTED by the Town Council of the Town of Highland, Lake County, Indiana this 8th day of January, 2018, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**
Mark R. Herak, its President

ATTEST:

Kathryn A. Minchuk, Deputy Clerk-Treasurer
(I.C. 1-1-4-1(5); IC 33 -42-4-1; IC 36-5-6-5; IC 36-5-6-7(a))

3. **Resolution No. 2018-01:** A Resolution of The Fiscal Body of the Town of Highland Approving and Fixing The Official Charges Or Fees For Information And Communication Technology Services Provided By The Municipality To Its Executive Departments And Offices And Accounted In The Information And Communication Technology Fund.

Councilor Wagner moved the passage and adoption of Resolution No. 2018-01. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN of HIGHLAND
Town Council Resolution No. 2018-01**

A RESOLUTION of the FISCAL BODY of the TOWN of HIGHLAND APPROVING and FIXING the OFFICIAL CHARGES or FEES for INFORMATION and COMMUNICATION TECHNOLOGY SERVICES PROVIDED BY THE MUNICIPALITY TO ITS EXECUTIVE DEPARTMENTS and OFFICES and ACCOUNTED in the INFORMATION and COMMUNICATION TECHNOLOGY FUND

WHEREAS, The Town Council of the Town of Highland serves as both the legislative and fiscal body of the municipality, all pursuant to I.C. 36-1-2-6, I.C. 36-1-1-2-9 and I.C. 36-5-2-2;

WHEREAS, IC 36-1-3-2 and IC 36-1-3-6(b)(1) confer upon local units of government the powers that they need for the effective operation of government as to local affairs and prescribe the manner and form of enactment for any such exercise of power;

WHEREAS, The Highland Town Council did adopt and establish an Information and Communication Technology Fund, by adoption of Ordinance No. 1323, amending the Highland Municipal Code by adding a new section § 31.08 (now codified as Section 3.45.110), which provides for an internal service fund as an accounting entity to which the resources and costs associated with providing information and communication technology services to the municipality will be accounted; and,

WHEREAS, Section 3.45.110 (F) (1) particularly provides that resources or revenue for these services supported by the internal service fund may consist of *"interdepartmental charges, contributions, cost shares or assessments levied against funds or departments of the municipality to support the lawful purposes and budget of the Information and Communication Technology Fund;"*

WHEREAS, Section 3.45.110 (F) (1) (a) still further provides that the *"charges and rates shall be developed and recommended by the proper officers of the municipality and fixed and approved by the Town Council";*

WHEREAS, The proper officers of the municipality have developed and now recommend charges and rates for **FY 2018** to support the costs associated with the provision of information and communication technology services to the municipality and its several executive departments and utilities; and,

WHEREAS, The Town Council now desires to fix and adopt the charges and rates as recommended,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the proper officer(s) of the municipality have developed and now recommend the following annual charge for services for the fiscal year 2018 as follows:

(a) For information and communication technology services provided to the several departments reposed in the **Corporation General Fund, the annual charge is allocated at 25% of costs or \$54,505.00;**

(b) For information and communication technology services provided to the department reposed in the **Park and Recreation Fund, the annual charge is allocated at 20% of costs or \$43,604.00;**

(c) For information and communication technology services provided to the department reposed in the **Redevelopment General Fund, the annual charge is allocated at 5% of costs or \$10,901.00;**

(d) For information and communication technology services provided to the **Waterworks Utility, the annual charge is allocated at 25% of costs or \$54,505.00;**

(e) For information and communication technology services provided to the **Wastewater/Stormwater Utility, the annual charge is allocated at 25% of costs or \$54,505.00;**

Section 2. That the Town Council hereby finds and determines that the rates and charges as recommended are consistent with IC 36-1-3-8(a)(6), calculated to include reasonable costs associated with those purposes outlined in Section 3.45.110 (D) of the Highland Municipal Code;

Section 3. That the Town Council hereby now fixes and approves the annual rates and charges as set forth herein, and authorizes the municipal fiscal officer to take such lawful measures to charge and collect the fees herein, either as a single lump sum fee or collected periodically until fully collected, and then to deposit these charges into the **Information and Communication Technology Fund;**

DULY RESOLVED and ADOPTED this 8th Day of January 2018, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President

Attest:

Kathryn A. Minchuk

Deputy Clerk-Treasurer (IC 1-1-4-1(5); IC 33-42-4-1; IC 36-5-6-5; IC 36-5-6-7(a))

4. Works Board Order No. 2018-01: An Order Approving and Authorizing the Fire Chief to Purchase from Identified Vendors Additional Self Contained Breathing Apparatuses (SCBA) and related Fire Equipment, all pursuant to I.C. 5-22 et seq., and HMC Chapter 3.05.

Councilor Wagner moved the passage and adoption of Works Board Order No. 2018-01. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2018-01**

An Order Approving and Authorizing the Fire Chief to Purchase from Identified Vendors Additional Self Contained Breathing Apparatuses (SCBA) and related Fire Equipment, all pursuant to I.C. 5-22 et seq., and HMC Chapter 3.05.

Whereas, The Town of Fire Department, as part of its public duties, has a responsibility for fire suppression, prevention, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department; and

Whereas, The Fire Chief had previously determined a need to purchase self-contained breathing apparatuses (SCBA) then determining the purchase price to be greater than \$150,000 and was authorized to make a purchase by the adoption of Works Board Order No. 2017-34 on 11 December 2017;

Whereas, The Fire Chief is advised that the Town of Munster, Indiana invited bids under the terms of IC 5-22-7 et seq., for the purchase of the self-contained breathing apparatuses (SCBA) and the vendor has consented to provide them at the same bid price to the Town of Highland Fire Department, offering the Town of Highland a unique opportunity to obtain at substantial savings, pursuant to HMC Section 3.05.065 (F);

Whereas, The Fire Chief has determined a need to purchase other fire equipment or supplies and has further determined the purchase price will be less than \$50,000;

Whereas, The price for all the purchases exceeds \$15,000.00 and, pursuant to Section 3.05.040 (E) as well as Section 3.05.050 (B)(2) of the Highland Municipal Code, such purchase requires the express approval of the purchasing agency;

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(3) of the Highland Municipal Code serves as the purchasing agency for the Fire Department;

Whereas, The Fire Chief, pursuant to Section 3.05.050 (D)(4) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department;

Whereas, The purchase of the SCBA and other fire equipment or supplies will be supported by an appropriation in the Public Safety Local Income Tax (LIT) Fund; and,

Whereas, The Town Council now desires to approve and authorize the Fire Chief to complete the purchase of the supplies and equipment pursuant to the terms and stated herein,

Now, Therefore Be It Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1. That the Works Board hereby makes the following findings and determinations:

(A) That the Town of Munster, Indiana invited bids under the terms of IC 5-22-7 et seq., for the purchase of self-contained breathing apparatuses (SCBA) and the vendor has consented to provide them at the same bid price to the Town of Highland Fire Department;

(B) That the foregoing offers the Town of Highland a unique opportunity to obtain at substantial savings the SCBA, all pursuant to HMC Section 3.05.065 (F); and,

(C) That the foregoing qualifies as a special purchase, all pursuant to HMC Section 3.05.065 (A) and IC 5-22-10 and may be made without additional procedures.

Section 2. That the Works Board hereby authorizes the purchase of ten additional (10) self-contained breathing apparatuses (SCBA) at a unit price of six thousand, four hundred thirty-seven dollars (\$6,437) each, rendering a total purchase price of sixty-four thousand, three hundred seventy dollars (\$64,370);

Section 3. That the Works Board hereby authorizes the purchase of the following equipment, pursuant to the small purchases provisions set forth in HMC Section 3.05.060(G)(2):

(A) Twenty (20) additional face pieces at a unit price of two hundred seventy-five dollars (\$275) each for a total purchase of five thousand, five hundred dollars (\$5,500);

(B) Two (2) quick fix adaptor kits at a unit price of four hundred dollars (\$400) each for a total purchase price of eight hundred dollars (\$800);

(C) One Hundred twenty (120) Highland Fire Department (HFD) Tank identifier decals at a unit price of five dollars (\$275) for a total purchase price of six hundred dollars (\$600);

(D) Fifteen (15) Spectacle kits at a unit price of one hundred twenty-five dollars (\$125) for a total purchase price of one thousand, eight hundred seventy-five dollars (\$1,875);

(E) Two (2) RIT System Kits at a unit price of three thousand, two hundred ten dollars (\$3,210) for a total purchase price of six thousand, four hundred twenty dollars (\$6,420);

(F) Eight (8) Lithium spare battery kits at a unit price of two hundred seventy-five dollars (\$275) for a total purchase price of two thousand, two hundred dollars (\$2,200); and,

(G) One (1) Radio I.D. Reader and 90 Radio Identifier Tags at a unit price of thirty-eight dollars (\$38) each for a total purchase price of three thousand, four hundred twenty dollars (\$3,420).

Section 4. That the Fire Chief is now directed to obtain the documentary materials from the Town of Munster to support the findings and determinations made in this order and then file these documents as financial materials with the Office of the Clerk-Treasurer, as required pursuant to IC 36-5-4-14.

Section 5. That the Fire Chief is now authorized and approved to execute the purchase agreements and any additional documents in order to implement these purchases and then file these documents as financial materials with the Office of the Clerk-Treasurer, as required pursuant to IC 36-5-4-14.

Be it so Ordered.

Duly, Passed and Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 8th day of January 2018 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**
President (IC 36-5-2-10)

Attest:

Kathryn A. Minchuk

Deputy Clerk-Treasurer (IC 1-1-4-1(5); IC 33-42-4-1; IC 36-5-6-5; IC 36-5-6-7(a))

5. **Works Board Order No. 2018-02:** An Order Approving and Authorizing An agreement between First Group Engineering, Incorporated and the Town of Highland to perform Professional Engineering Services during Construction for the 45th Avenue Reconstruction Project in the amount not-to-exceed \$70,542.62

Councilor Zemen moved the passage and adoption of Works Board Order No. 2018-02. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**TOWN OF HIGHLAND
BOARD OF WORKS
ORDER OF THE WORKS BOARD NO. 2018-02**

AN ORDER APPROVING AND AUTHORIZING AN AGREEMENT BETWEEN FIRST GROUP ENGINEERING, INCORPORATED AND THE TOWN OF HIGHLAND TO PERFORM PROFESSIONAL ENGINEERING SERVICES DURING CONSTRUCTION FOR THE 45TH AVENUE RECONSTRUCTION PROJECT IN THE AMOUNT NOT-TO-EXCEED \$70,542.62

Whereas, the Town Council for the Town of Highland (Town) determined a need to improve 45th Avenue beginning at 200' west of 5th Street to 400' west of Kennedy Avenue, hereby titled the 45th Avenue Reconstruction Project (Project); and

Whereas, The Town had procured a Community Crossings Matching Grant from the Indiana Department of Transportation in the amount of \$191,050 in FY2016 and \$238,200 in FY 2017, which supports 50% of the estimated construction cost for the Project; and

Whereas, The Town has heretofore awarded a construction contract for the work to Rieth-Riley Construction Company, Incorporated in the amount of \$818,975.00 and has further determined a need to engage professional engineering services during construction to supervise, inspect, and manage the construction activities on behalf of the Town; and

Whereas, First Group Engineering, Incorporated (Consultant) has offered and presented an agreement to provide and furnish professional engineering services during construction in consideration for fees to be charged and billed monthly based upon a lump sum of the value of the services completed, in an amount not to exceed Seventy Thousand Five Hundred Forty-two Dollars and 62/100 cents (\$70,542.62); and

Whereas, There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council now desires to approve the project and to accept and approve the agreement for services as herein described.

Now Therefore Be it Resolved by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the Professional Engineering Services during Construction Agreement, (incorporated by reference and made a part of this Order) between First Group Engineering, Incorporated and the Town of Highland for the 45th Avenue Reconstruction Project, is hereby approved, adopted and ratified in each and every respect;

Section 2. That the terms and charges under the agreement for Professional Engineering Services during Construction in the not to exceed fee amount of Seventy Thousand Five Hundred Forty-two Dollars and 62/100 cents (\$70,542.62) is found to be reasonable and fair;

Section 3. That the Town of Highland, through its Town Council, believes that First Group Engineering, Incorporated has demonstrated professional competence and has the qualifications to perform the particular professional engineering services called for in the Agreement and associated project, pursuant to I.C. 5-16-11.1-5;

Section 4. That the President of the Town Council be authorized to execute the Agreement with his signature as attested thereto by the Clerk-Treasurer.

DULY, PASSED AND ADOPTED by the Town Council of the Town of Highland, Lake County, Indiana this 8th day of January, 2018 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA
President**

Attest:
Katie Minchuk, Deputy Clerk-Treasurer

6. Works Board Order No. 2018-03: An Order of the Works Board Accepting the Bid of Rieth-Riley Construction Company, Incorporated for the 45th Avenue Reconstruction Project Being the Lowest Responsive and Responsible Bid in the amount of Eight Hundred Eighteen Thousand Nine Hundred Seventy-Five Dollars and 00/100 Cents (\$818,975)

Councilor Zemen moved the passage and adoption of Works Board Order No. 2018-03. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**TOWN of HIGHLAND
Board of Works
Order of the Works Board No. 2018-03**

AN ORDER OF THE WORKS BOARD ACCEPTING THE BID OF RIETH-RILEY CONSTRUCTION COMPANY, INCORPORATED FOR THE 45TH AVENUE RECONSTRUCTION PROJECT BEING THE LOWEST RESPONSIVE AND RESPONSIBLE BID IN THE AMOUNT OF EIGHT HUNDRED EIGHTEEN THOUSAND NINE HUNDRED SEVENTY-FIVE DOLLARS AND 00/100 CENTS (\$818,975)

Whereas, the Town Council for the Town of Highland determined a need to improve 45th Avenue beginning at 200' west of 5th Street to 400' west of Kennedy Avenue, hereby titled the 45th Avenue Reconstruction Project (Project); and

Whereas, The Town had procured a Community Crossings Matching Grant from the Indiana Department of Transportation in the amount of \$191,050 in FY2016 and \$238,200 in FY 2017, which supports 50% of the estimated construction cost for the Project; and

Whereas, First Group Engineering, Incorporated had prepared plans and specifications for the Project and the project was bid in accordance with I.C. 36-1-12 *et seq.* and notice was published in accordance with I.C. 5-3-1; and

Whereas, the following bids were received at 10:00 a.m. on December 13, 2017:

	<u>Bidder</u>	<u>Base Bid</u>
1..	Walsh & Kelly, Inc.	\$839,963.85
2.	Rieth-Riley Construction Co., Inc..	\$818,975.00

Whereas, First Group Engineering, Incorporated and the Director of Public Works have reviewed the bids and determined that the bid of Rieth-Riley Construction Company, Incorporated in the amount of Eight Hundred Eighteen Thousand Nine Hundred Seventy-Five Dollars and 00/100 Cents (\$818,975) to be the lowest responsive and responsible bid.

Whereas, There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council, now desires to accept the recommendation of the Public Works Director and award a construction contract to Rieth-Riley Construction Company, Incorporated for the 45th Avenue Reconstruction Project.

Now, Therefore, Be It Resolved, by the Town Council of the Highland, Indiana that the bid of Rieth-Riley Construction Company, Incorporated for the 45th Avenue Reconstruction Project in the amount of Eight

Hundred Eighteen Thousand Nine Hundred Seventy-Five Dollars and 00/100 Cents (\$818,975) is hereby accepted as the lowest responsive and responsible bid. Further, the Public Works Director and Clerk Treasurer are hereby authorized to execute the agreement and all documents necessary to implement the project.

Duly Adopted, Resolved and Ordered by the Highland Town Council, Lake County, Indiana, this 8th day of January, 2018. Having been passed by a vote of 5 in favor and 0 opposed.

**BOARD OF WORKS OF THE TOWN OF
HIGHLAND, INDIANA
Mark Herak, President (IC 36-5-2-10)**

Attest:
Katie Minchuk, Deputy Clerk-Treasurer

7. Works Board Order No. 2018-04: An Order Authorizing and Approving An agreement between CBL Consulting, Incorporated and the Town of Highland to perform Professional Information Technology services for the Municipality

Councilor Wagner moved the passage and adoption of Works Board Order No. 2018-04. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland
Board of Works
Order of the Works Board No. 2018-04**

AN ORDER AUTHORIZING AND APPROVING AN AGREEMENT BETWEEN CBL CONSULTING, INCORPORATED AND THE TOWN OF HIGHLAND TO PERFORM PROFESSIONAL INFORMATION TECHNOLOGY SERVICES FOR THE MUNICIPALITY

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality has heretofore determined that a need exists to provide information technology support services throughout the Town;

Whereas, The Town has heretofore determined that a need exists to engage professional information technology services associated with support of the several software applications and certain hardware used by the several departments of the Town; and

Whereas, CBL Consulting, Inc, an information technology firm, has consented to provide professional services related to certain support needs related to the information technology of the several departments of the municipality; and

Whereas, As purchasing agency, the Town Council may purchase services using any procedure it considers appropriate, pursuant to IC 5-22-6-1 and Section 3.05.090 of the Municipal Code; and

Whereas, There are sufficient and available appropriations balances on hand to support the payments for these services under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council now desires to accept and approve the agreement for services as herein described,

Now Therefore be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana:

Section 1. That the letter proposal serving as an agreement (incorporated by reference and made a part of this Order) between CBL Consulting Incorporated, and the Town of Highland, to provide professional information technology support services for the period beginning **1 January 2018 through to 31 December 2018** as described in the letter proposal is hereby approved, adopted and ratified in each respect, **with the following exceptions:**

- (A) That regardless the billing frequency, payments will be made once each month in the amount described in the letter proposal;
- (B) That only those provisions that are consistent with Federal or State law will be binding upon the parties;
- (C) That there shall be no reselling of materials or supplies by CBL to the Town of Highland, unless the single purchase is not greater than \$500 and the total purchase is \$1,000 or less;

Section 2. That the charges under the agreement for the services, which include functioning as the Town of Highland information technology director by performing routine and necessary

maintenance on equipment identified in the letter proposal, perform data protection services for the town information work product, providing technical consulting, and other related service are found to be reasonable, all pursuant to IC 5-22-6-1 and Section 3.05.090 of the Municipal Code;

Section 3. That the charges under the terms of the agreement for all the services, will be paid as a monthly fee to CBL Consulting, Inc., in the monthly amount of Four thousand dollars (\$4,000), a 0% increase over the 2017 fee, which follows increases of 2.6% in 2016, 4.10% in 2015 and 4.28% in 2014;

Section 4. That the executive departments of municipality may use the services according to the terms of the agreement;

Section 5. That, notwithstanding any provision in the letter offer, the Town of Highland through its Town Council reserves its discretion and authority provided under IC 5-22-17-5;

Section 6. That the Town Council President be authorized to execute any agreement under the terms of this order with his signature as attested thereto by the Clerk-Treasurer.

Be it so Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 8th day of January 2018 having passed by a vote of 5 in favor and 0 opposed.

**WORKS BOARD of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Kathryn A. Minchuk
Deputy Clerk-Treasurer (IC 1-1-4-1(5); IC 33-42-4-1; IC 36-5-6-5; IC 36-5-6-7(a))

8. **Action to ratify and approve purchase of up to one-week of vacation time in lieu of time off, pursuant to Section §5.02.09 of the Compensation and Benefits Ordinance.** The Police Chief requests the following payouts for 2017: Initial action taken at the meeting of December 27, 2017. (A review determined that the amounts did not include longevity as submitted. The CT Office discovered the omission and asked that this be ratified.)

Police Chief, Peter Hojnicky	5 days	\$1,619.64	\$1,671.64
Assistant Chief, Pat Vassar	5 days	\$1,510.16	\$1,562.16
Commander, Ralph Potesta	2 days	\$ 560.28	<u>\$ 580.44</u>
		\$3,690.08	\$3,814.24

Councilor Zemen moved to ratify and approve the purchases of vacation time as indicated for *Police Chief Peter Hojnicky* and *Police Commander Ralph Potesta*. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The vacation purchases for Chief Hojnicky and Commander Potesta were approved.

Councilor Herak moved to approve the purchases of vacation time as indicated for *Assistant Police Chief Patrick Vassar*. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives, no negatives and one abstention. With Councilors Zemen, Herak, Wagner and Kuiper voting in the affirmative and Council President Vassar abstaining, the motion passed. The vacation purchase for Assistant Chief Vassar was approved.

Comments or Remarks from the Town Council:
(For the Good of the Order)

- **Councilor Bernie Zemen:** Chamber of Commerce Co-Liaison • IT Liaison

Councilor Zemen acknowledged the Building Commissioner. The Building Commissioner provided a brief report on the matters pending before the Plan Commission.

- **Councilor Dan Vassar:** • *Liaison to the Park and Recreation Board.*

Councilor Vassar acknowledged the Parks and Recreation Superintendent, who offered a brief survey of programs in the Parks and Recreation Department.

Councilor Vassar thanked the council for the opportunity to serve as president for 2017 and thanked the department heads and employees for all of their help throughout the year.

- **Councilor Steve Wagner:** • *Advisory Board of Zoning Appeals Liaison • Redevelopment Commission Liaison.*

Councilor Wagner acknowledged the Building Commissioner who offered a report on matters pending before the Advisory Board of Zoning Appeals.

- **Councilor Konnie Kuiper:** • *Town Board of Metropolitan Police Commissioners, Liaison • Fire Department, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper acknowledged the Police Chief who discussed the no shave November event that raised \$2,200.00 for cancer awareness and thanked the participants. He also announced that there will be an opium awareness event on Wednesday January 10th at 9 o'clock a.m. Councilor Vassar invited the press to the event.

- **Council President Mark Herak:** *Town Executive • Chair of the Board of Police Pension Trustees • Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Board of Waterworks Directors.*

Councilor President Herak thanked Councilor Vassar for his year of leadership and thanked the Town Council for its action making him President.

Councilor President Herak acknowledged Public Works Director who offered a survey of waterworks and sanitary board projects.

Comments from Visitors or Residents:

1. Luann Jurczak, 2547 Wicker Ave., Highland, discussed her interest in the police department's opium program and that she was going to bring it to the superintendent of Highland schools to see if he would be willing to have the program in the schools. She reported everything is going well at the School Town.
2. Steve Jurczak, 2547 Wicker Ave., Highland, expressed thanks to the Town Council for allowing him to service on the Metropolitan Police Commission and commended the Police Chief on how well he is managing the department.
3. Terry Steagall, 8577 Kleinman Road, Highland, expressed his hopes that the council will support the clean dram act so that their voice and opinion is heard to their Senators and Representatives. He also asked the council to consider supporting the "Medicare for all" legislation.
4. Larry Kondrat, 8115 4th Place, Highland, expressed his pride toward the police officers and thanked the council for purchasing updated equipment for the police officers.

Payment of Accounts Payable Vouchers. There being no further comments from the public, Councilor Zemen moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period December 28, 2016 through January 08, 2017 and the payroll docket for December 8, 2017 and the payroll docket for December 22, 2017. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified, and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$370,267.54; Motor Vehicle Highway and Street (MVH) Fund, \$45,278.22; Information Communications Technology Fund, \$7,535.05; Indiana Bicentennial Leg Fund, \$599.30; Police Pension Fund, \$67,699.02; MCCD Fund, \$6,000; Traffic Violations and Law Enforcement Agency Fund, \$10,672.50; Public Safety Income Tax Fund, \$199,460.00; Total: \$707,711.63.

Payroll Docket for payday of December 8, 2017:

Office of Clerk-Treasurer, \$12,966.41; Building and Inspection Department, \$8,076.51; Metropolitan Police Department, \$121,550.15; Fire Department, \$2,940.39; Public Works Department (Agency), \$70,384.04; Total Payroll: \$215,917.50.

Payroll Docket for payday of December 22, 2017:

Council, Boards and Commissions, \$10,359.00; Office of Clerk-Treasurer, \$12,988.42; Building and Inspection Department, \$8,893.05; Metropolitan Police Department, \$120,589.30; Fire Department, \$3,815.93; Public Works Department (Agency), \$81,297.42 and 1925 Police Pension Plan Pension Fund, \$67,618.28; Total Payroll: \$305,561.40.

Adjournment of Plenary Meeting. Councilor Vassar moved that the plenary meeting be adjourned. Councilor Zemen seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, January 08, 2018 was adjourned at 7:33 O'clock p.m.

Kathryn A. Minchuk
Deputy Clerk-Treasurer